

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DON HARGROVE**, on March 5, 2001 at 10:00 A.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Don Hargrove, Chairman (R)  
Sen. John C. Bohlinger, Vice Chairman (R)  
Sen. Pete Ekegren (R)  
Sen. Jim Elliott (D)  
Sen. Eve Franklin (D)  
Sen. Ken Toole (D)

**Members Excused:** Sen. Edward Butcher (R)  
Sen. Fred Thomas (R)

**Members Absent:** None.

**Staff Present:** Lynette Brown, Committee Secretary  
David Niss, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HJ 8, HB 241, HB 342,  
2/16/2001  
Executive Action: HB 326, HJ 8, HB 241, HB 342

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#### **HEARING ON HJ 8**

**Sponsor:** REP. HAL JACOBSON, HD 54, Helena

**Proponents:** Elaine Gravely, Deputy Secretary of State  
Rita Blouke, League of Women Voters

**Robert Throssell, Montana Association of Clerk and  
Recorders**

**Darrell Holzer, Montana State AFL-CIO**

**Opponents: None**

**Opening Statement by Sponsor:**

**REP. HAL JACOBSON, HD 54, Helena,** told the committee this resolution was designed to give productive legislation calling for a study of the current voting systems and current voting procedures in place in Montana. He said the goal of this legislation was to assure the voters in Montana that their votes do count and that there were few, if any, problems in our voting system. **REP. JACOBSON** stated this study would review the current voting systems, voting machine apparatus and consider if there was a need to employ newer technologies in this area should it be determined the existing, older technology should be retired. He added there was also a need to examine the process. **REP. JACOBSON** said there was a need to examine the way the intent of the voter who votes has his/her vote determined in disputed ballot situations. He reiterated that this was only a study of the current voting systems and procedures.

**Proponents' Testimony:**

**Elaine Gravely, Deputy Secretary of State, EXHIBIT(sts50a01)** expressed support for HJ 8.

**Rita Blouke, League of Women Voters, EXHIBIT(sts50a02)** urged support.

**Robert Throssell, Montana Association of Clerk and Recorders,** told the committee this study would help to assure people that there was a good system in place and that their votes do count. He added that this study may help to clear up misconceptions to deal with concerns.

**Darrell Holzer, Montana State AFL-CIO,** offered support.

**Opponents' Testimony: None**

**Questions from Committee Members and Responses:**

**SEN. PETE EKEGREN** asked **Elaine Gravely** who would pay for machines on the local level. **Mrs. Gravely** answered that the local groups pay for the machines.

**SEN. EKEGREN** asked **Elaine Gravely** if the legislature could mandate the purchase of new machines. **Mrs. Gravely** responded that there was currently federal legislation being considered that would match federal funds with local funds.

**SEN. JOHN BOHLINGER** asked **Elaine Gravely** more about the federal government matching funds. **Mrs. Gravely** replied that at this point, the federal government was considering paying 75% of the cost with the local groups paying 25%.

**SEN. BOHLINGER** asked **Elaine Gravely** how much an optical scanner would cost. She responded between \$40,000 - \$50,000 to upgrade.

**SEN. BOHLINGER** asked **Elaine Gravely** if one machine would be enough. **Mrs. Gravely** answered that one machine would be enough for a central location for the size of Broadwater County.

**Closing by Sponsor:**

**REP. HAL JACOBSON, HD 54**, closed HJ 8, by reminding the committee that there were three types of voting: paper ballots, punch cards, and the optical scan system.

**HEARING ON HB 241**

**Sponsor:** **REP. BILL THOMAS, HD 93, Hobson**

**Proponents:** **Robert Throssell, Montana Association of Clerk and  
Recorders  
Elaine Gravely, Deputy Secretary of State**

**Opponents:** **None**

**Opening Statement by Sponsor:**

**REP. BILL THOMAS, HD 93, Hobson**, stated this bill would clarify instructions for ballots. **REP. THOMAS** explained amendment **HB02101.ash EXHIBIT(sts50a03)**.

**Proponents' Testimony:**

**Robert Throssell, Montana Association of Clerk and Recorders**, told the committee there were three types of ballots used: (1) paper, (2) punch cards and (3) the optical scanner. He added that this bill would clarify instructions which would reduce confusion.

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**Elaine Gravely**, Deputy Secretary of State, **EXHIBIT**(sts50a04) supported this legislation and explained amendment **HB024102.ash** **EXHIBIT**(sts50a05).

Opponents' Testimony: None

Questions from Committee Members and Responses:

**SEN. EVE FRANKLIN** asked **Elaine Gravely** if line 15 specifically referred to booths and, if so, should it be changed since many places do not have booths, but rather have tables. **Mrs. Gravely** answered that the word booths would probably be acceptable, but she added that if the committee was worried about the definition of booths it could be changed.

**SEN. KEN TOOLE** expressed concern about secret ballots. He told the committee this bill would not provide adequate space for privacy in voting.

**Robert Throssell** responded to **SEN. TOOLE's** concern by stating that title 13 elections selected by election's administrators had a separate section concerning school elections in which it was stated that there would be a sufficient number of booths, voting machines or voting devices to allow voting to process with as little delay as possible. He added that it also stated that they were to be arranged in a manner that would not permit any other individual to see how the elector had voted.

**SEN. JIM ELLIOTT** suggested that perhaps it should be stated as a place of privacy sufficient unto their needs. **Robert Throssell** responded that he was concerned that if the wording was changed too much, there would be a risk concerning voters taking their ballots outside. He would prefer allowing for a reasonable number of booths to be present.

Closing by Sponsor:

**REP. BILL THOMAS, HD 93**, closed HB 241. He added that perhaps the bill could state "or other designated private area".

HEARING ON HB 342

Sponsor: **REP. GILDA CLANCY, HD 51, Helena**

Proponents: **Wayne Budt, Public Service Commission**

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. GILDA CLANCY, HD 51, Helena** told the committee that this legislation was generated from an audit conducted by the legislative auditors. She added that the Public Service Commission was funded by a tax on the utilities that it regulated and the Department of Revenue collected the tax and placed it into a special revenue account for the PSC. The auditors noted that the fees collected had been placed in the general fund rather than the special revenue account. **REP. CLANCY** stated this occurred because the Public Service Commission never requested a change in statute when the funding was changed from the general fund to the special revenue fund in the 1980's. She said that the legislative auditors recommended the PSC seek the legislative determination as to where the fees should be placed. The PSC did not have a preference, but were trying to comply with the audit recommendation.

**Proponents' Testimony:**

**Wayne Budt, Public Service Commission,** told the committee that this bill was a clean-up bill at the request of the legislative auditors. Presently, the fees went into the general fund and this bill would put those fees into the special revenue account that funded the Public Service Commission. He added that the amount in the special revenue account was set by the legislature's budget for the PSC. If these fees were to be put into the special revenue account, they would go to reduce the PSC tax that would need to be collected over the next fiscal year.

**Opponents' Testimony:**

**Questions from Committee Members and Responses:**

**SEN. EKEGREN** asked **Wayne Budt** if it was already law that all fees must be deposited in the state's special revenue fund. **Wayne Budt** replied that the original statute stated that all fees collected under this section by the Department of Revenue would be put into a special revenue account for use by the PSC. In addition to the fees collected by the Department of Revenue, which was the tax on utilities, the fees the PSC collects also would be placed in that same special revenue account.

**Closing by Sponsor:**

**REP. GILDA CLANCY, HD 51,** closed HB 342.

**EXECUTIVE ACTION ON HB 326**

**Motion:** SEN. ELLIOTT moved that HB 326 BE CONCURRED IN.

**Discussion:**

SEN. TOOLE told the committee he was against this bill because he was concerned that this bill would create ballot access and different strategies for being on the ballot.

SEN. BOHLINGER stated that this bill would not prohibit a candidate from running for office for a specific party plus being a write-in candidate. David Niss, legislative services, responded that this bill would prevent a person to appear on the ballot for more than one party.

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SEN. ELLIOTT stated that this bill said that an elector could file only for one party's nomination. He added that if placed on the ballot by a write-in campaign, this bill would do nothing to address that issue.

**Substitute Motion/Vote:** SEN. ELLIOTT made a substitute motion that HB 326 BE TABLED. Substitute motion carried 6-2 with Franklin and Hargrove voting no.

**EXECUTIVE ACTION ON HJ 8**

**Motion/Vote:** SEN. EKEGREN moved that HJ 8 BE CONCURRED IN. Motion carried unanimously.

**EXECUTIVE ACTION ON HB 241**

**Motion/Vote:** SEN. TOOLE moved that AMENDMENT HB024101.ASH BE ADOPTED. Motion carried 7-0.

**Motion/Vote:** SEN. TOOLE moved that AMENDMENT HB024102.ASH BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. TOOLE moved that HB 241 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 342

Motion/Vote: SEN. ELLIOTT moved that HB 342 DO PASS. Motion carried unanimously.

**ADJOURNMENT**

Adjournment: 11:10 A.M.

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SEN. DON HARGROVE, Chairman

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LYNETTE BROWN, Secretary

DH/LB

**EXHIBIT** (sts50aad)